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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,555	01/17/2002	Gordon Scott Mindrum	0103085-0519322	8685

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,555	Applicant(s) MINDRUM, GORDON SCOTT	
	Examiner Tadesse Hailu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/16/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the patent application number 10/051,555 filed 7/16/2002.
2. The application is a continuation of US Application No. 09/016,825 filed January 30, 1998, which claims the benefit of US Provisional Application number 60/037,010 filed on Jan 31, 1997.
3. The Information Disclosure Statement submitted on 7/16/2002 has been considered and entered into the file wrapper.
4. During the preliminary amendment, Applicant cancelled claims 1-12. The pending claims 13-38 are examined herein as follows.

Claim Objections

5. Claim 38 objected to because of the following informalities: "The of claim 36," should read --The method of claim 36, --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 13-23, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans, III (US Pat No 5,732,231).

Evans discloses an apparatus located in a funeral establishment for sharing and displaying information (biographical) about a deceased person.

With regard to claim 13:

Before the information pertinent to the deceased person is displayed or presented, Evans has to collect information about the life of a deceased person at a funeral service (column 1, lines 60-67). Evans further discloses the collected information may include one or more recordation (e.g., photographs) relating to the deceased person (column 3, lines 18-41). Once the recordation are collected the life story about the deceased person are formulated or created (column 2, lines 51-67, column 3, lines 18-41). After formulating the life story storing the life story, for example in a computer readable medium (column 2, lines 51-67). Then, whenever the life story is needed to be access, one may access via a communication means, such as the Internet (column 1, lines 42-47, column 2, lines 1-6). Lastly, during the funeral service, the life story of the

Art Unit: 2173

deceased person can be presented or displayed (column 1, lines 60-67, column 2, lines 51-67).

With regard to claim 14:

Evans further discloses the life story is presented or displayed in real time over the Internet (column 1, lines 42-47, column 2, lines 1-6).

With regard to claim 15:

Evans further discloses the life story is displayed from a computer readable medium via a computer at the funeral home (column 4, lines 26-56, Figs 2-4).

With regard to claim 16:

Evans further discloses the life story is displayed using an interactive user interface (column 2, lines 51-67).

With regard to claim 17:

Evans further discloses the life story is automatically displayed (column 4, lines 47-50, column 5, lines 2-9).

With regard to claim 18:

Evans further discloses the life story comprises a plurality of screens related to the deceased person (column 5, lines 22-48).

With regard to claim 19:

Evans further discloses accessing the life story over the Internet further comprises the step of displaying the life story from peoples' home (column 4, lines 26-56, column 5, lines 22-48).

With regard to claim 20:

Evans further discloses accessing comprises logging in and entering a password (e.g. accessing life story via the Internet may require password entry).

With regard to claim 21:

Evans further discloses the step of collecting one or more recordation comprises submitting recordation to a central office via the Internet (column 2, lines 1-6, column 4, lines 26-56).

With regard to claims 22 and 38:

Evans further discloses the steps are performed sequentially (see the response given in claim 1, as given rejection to claim 1, information about the life story of the deceased person are gathered or formulated then presented or displayed).

With regard to claim 23:

Evans further discloses a life story of a deceased person formulated through collecting then presenting information about the life story of the deceased person (column 2, lines 51-67).

With regard to claim 36:

In addition to what is recited in claim 1, claim 36 further recites "receiving payments from the customer for at least a portion of the foregoing services." Similarly, in addition to the reason of rejection given to claim 1, Evans further discloses a billing means (i.e., payment receiving means), the funeral establishment may charge an individual when using the apparatus, such as having copies made or adding information, etc (column 5, lines 10-21).

With regard to claim 37:

Evans further discloses the recordation include text, photographs, documents, audio and/or video relating to the deceased person (column 3, lines 31-41).

7. Claims 24, 25 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Arbuckle (US Pat No 5,651,117).

With regard to claim 24:

Arbuckle discloses an apparatus (or kit) for collecting information from a customer about a deceased person (Abstract).

Arbuckle discloses an application form or report form (data sheet) that can be used by the customer to report about the life story of the deceased person (column 5, lines 1-9, column 6, lines 15-56).

Arbuckle further discloses another data sheet for providing written information about the deceased person biographical information and description or further information of any recordation that the customer returns to the depository (column 11, lines 41-63, column 12, lines 53-60).

Arbuckle also discloses different formatting options that the customer may choose relating to the visual presentation about the biographical information of the deceased person. For example the customer may choose information about the deceased person formatted, presented and transmitted in email, facsimile, regular mail, or via telephone format (Figs. 4, column 10, lines 30-51).

Arbuckle also discloses based on customer's report form (data sheet), biographical information about the deceased person is created and formatted. The formatting selections include email, facsimile, telephone, mail, and newspapers. The

biographic information of the deceased person will then be presented with the selected media format (column 10, lines 30-51).

With regard to claim 25:

Arbuckle also discloses a customer information file (e.g. identifying number) (Fig. 1) for monitoring the information obtained from customer application (column 4, lines 28-59).

With regard to claim 35:

Arbuckle also discloses creating the biographic information using the apparatus (kit) shown in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbuckle (US Pat No 5,651,117) in view of Salgado US Pat No (5,831,747).

While Arbuckle discloses presenting biographical information about the deceased person and formatting the information (in email, fax, etc format) for transmission, but Arbuckle's formatting does not include color schemes and frame styles as required by claim 26, and formatting options comprises selections of basic style as required by claim 27. Salgado discloses a user selectable image attribute features, such as color options and styles, including frame styles (column 9, lines 36-67, Fig. 5). At the time of

the invention, it would have been obvious to a person of ordinary skill in the art to combine the color options and frame styles of Salgado with the information screen display (Fig. 1, #136) or printing device (#138) of Arbuckle because the image attributes (e.g., color, style, etc) will enhance the information presentation on the display of the screen or on print outs. Therefore it would have been obvious to combine Arbuckle with Salgado to obtain the invention as specified in claims 26 and 27.

9. Claims 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbuckle (US Pat No 5,651,117) in view of Evans, III (US Pat No 5,732,231).

While Arbuckle discloses most of the materials (biographical document) that the customer has to present to the depository (establishment), but variety of documents, such as photographs, audio (or music), video is not shown. But Evans clearly discloses multimedia document information about the deceased person. Evans and Arbuckle are analogous art because they are from the same field of endeavor that is presenting information about the deceased person. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the multimedia information of Evans with the textual information of Arbuckle so that the information presented about the deceased person will be in a variety of information presentation format. Therefore it would have been obvious to combine Arbuckle with Evans to obtain the invention as specified in claims 28-34.

With regard to claim 28:

Arbuckle in view of Evans further discloses the formatting options further comprise selections relating to background audio (music) pertinent to the deceased person's life story (Evans, abstract).

With regard to claim 29:

Arbuckle in view of Evans further discloses the recordation include photographs, documents, audio and/or video relating to the deceased person (Evans, column 2, lines 51-67).

With regard to claim 30:

Arbuckle in view of Evans further discloses that the customer returns the information on the data sheets at least in part in handwritten form (Evans, column 3, lines 35-41).

With regard to claim 31:

Arbuckle in view of Evans further discloses that the customer returns the information on the data sheets at least in part by entering data over the Internet (Evans, column 2, lines 1-6, column 4, lines 47-56)

With regard to claim 32:

Arbuckle in view of Evans further discloses an option for the customer to select the type of life story to be created (Evans, column 4, lines 1-25).

With regard to claim 33:

Arbuckle in view of Evans further discloses that the type of life story is based on the level of "complexity" (e.g., additional information, including video, audio, textual and

Art Unit: 2173

photographs) specified by the customer (Evans, column 2, lines 51-column 2, lines 5, column 3, lines 18-41).

With regard to claim 34:

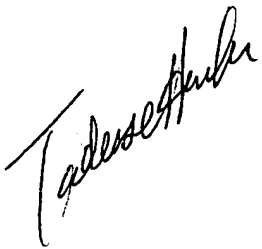
Arbuckle in view of Evans further discloses a list of contents returned by the customer. For example such content could includes photographs, textual, and audio/visual information (Evans, column 4, lines 1-25).

CONCLUSION

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TH 10/8/04

A handwritten signature in black ink, appearing to read "Tadesse Hailu", is written diagonally across the bottom left of the page.